



March 13, 2000

Mr. Sim W. Goodall
Police Legal Advisor
City of Arlington
P.O. Box 1065
Arlington, Texas 76004-1065

OR2000-1000

Dear Mr. Goodall:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 132984.

The Arlington Police Department (the "department") received a request for all addresses contained in its accident, incident, and arrest reports that pertain to two named individuals and to a vehicle that the requestor identified by providing a license plate number. You have submitted records that are responsive to the request. You claim that the requested information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and have reviewed the information you submitted.

Section 552.101 of the Government Code protects information considered to be confidential by law, either constitutional, statutory, or by judicial decision. Section 552.101 encompasses constitutional and common law rights to privacy. A local law enforcement agency that receives a request for unspecified records that identify a named individual as a suspect essentially is being asked to compile a criminal history that implicates that individual's right to privacy. *See United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989). In this instance, the request is for addresses reflected in such records. Generally speaking, an individual's home address does not represent confidential information for the purposes of section 552.101 of the Government Code. *See Open Records Decision Nos. 554 (1990), 455 (1987)*. Nevertheless, we believe that addresses extracted from criminal history information compiled by the department are protected under the principles addressed in *Reporters Committee*. *See* 489 U.S. at 762-71. We therefore conclude that any responsive address information contained in the department's accident, incident, and arrest records is confidential under section 552.101 of the Government Code and must not be disclosed.

As we are able to make a determination under section 552.101, we do not address your claim under section 552.130 of the Government Code. This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this

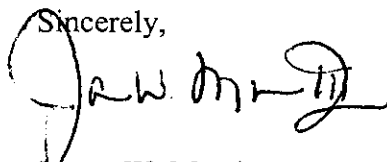
ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,


James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/ch

Ref: ID# 132984

Encl. Submitted documents

cc: Mr. Steve Stephenson
United States Locating Services
P.O. Box 822734
Dallas, Texas 75382
(w/o enclosures)